

From: Ron Peterson
To: Microsoft ATR
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Subject: Microsoft Settlement

As Microsoft has already been found guilty of abusing it's monopoly power, I shall confine my comments to the remedy phase of the trial.

At minimum, I hope the court can restore competition to those markets where Microsoft's abuse of their operating system monopoly has given them unfair advantage. This would be a minimal remedy, in the sense that it restores things to the way they should be, without imposing any punitive damages for Microsoft's illegal conduct.

Speaking as a career systems manager, I live by a commonplace aphorism: "Buy computers for the applications". Not for the packaging. Not for the fancy hardware. No, not for the operating system. For the ways they extend people's capabilities. For the applications.

These days, that doesn't leave me much choice.

Like Microsoft, I value the "freedom to innovate". I also believe this freedom should extend to everyone, not just Microsoft. I don't have that freedom. Microsoft's competitors don't have that freedom either.

I buy computers that will most cost effectively run Microsoft operating systems and Microsoft applications, because I must. If I do not, the people I serve will not be able to effectively communicate with colleagues, clients, patrons, vendors, friends, and family.

Microsoft's dominance in the applications arena hinges on its proprietary data formats. I cannot reasonably ask my patrons to run applications that cannot faithfully, reliably, and consistently both read and write Microsoft documents. However, applications that meet these criteria do not exist, because Microsoft controls the format, but does not divulge the operational details. If a competitor comprehends the format, Microsoft changes it. Microsoft gets an upgrade fee; the competitor starts over.

There is only one way to restore competition to the market for computer applications. Microsoft **must** be compelled to divulge its applications' file formats. Without this restriction, Microsoft will continue to monopolize the market for computer applications indefinitely. Considering that these applications intrude into almost all aspects of our daily lives - even, as I'm sure you are aware, into the very operation of government - this situation **must** end. Additionally, Microsoft must be compelled to divulge the format of

its network protocols.

Microsoft understands full well that compatibility is the key to the kingdom. If they control proprietary de-facto standards for file formats and networking protocols, they control everything.

Please don't be misled by so-called "compromise" positions advanced by Microsoft that would open their "API's" or Application Programming Interfaces. This position is simply a ruse to promote further adoption of Microsoft applications.

If you compel Microsoft to open their file formats and their networking protocols, you will invigorate the marketplace. You will compel competition on the merits, rather than binary compatibility. You will restore the market to where it should have always been. And you will establish a worthy precedent for how to deal with similar future abuses of monopoly power in the software marketplace.

Best wishes.

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Ron Peterson
Network & Systems Manager
Mount Holyoke College
<http://www.mtholyoke.edu/~rpeterso>